

SUSPENSION OF PENSIONS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

The information required by a resolution of the House of Representatives of the 9th instant, in relation to the suspension of the allowance of pensions under the act of 7th June, 1832.

JANUARY 13, 1835.

Read, and laid upon the table.

WAR DEPARTMENT, January 12, 1835.

SIR: In conformity with a resolution of the House of Representatives of the 9th instant, I have the honor to enclose copies of two letters addressed to the Commissioner of Pensions on the subject referred to in the resolution.

It will be observed that the latter of these letters is somewhat different in its tenor from, and supersedes the former. The reason of this variance is to be found in the fact that, at the time the first letter was written, the precise decision of the court, together with the grounds of it, had been incorrectly communicated to this department: when these became known, the subsequent instructions, framed to meet the difficulty, were transmitted to the Commissioner of Pensions.

It is proper to remark that the operations of the Pension Office, under the act of June 7, 1832, so far as respects the examination of claims, are not suspended. Cases submitted are taken up and examined as before; if found inadmissible, the grounds of objection are communicated to the parties; but if, under other circumstances, the evidence would be sufficient to support the claim, the Commissioner will suspend its final allowance until a decision of the Supreme Court, or until Congress shall think fit to legislate upon the subject.

Very respectfully,

Your most obedient servant,
LEW. CASS.

HON. JOHN BELL,

Speaker of the House of Representatives.

WAR DEPARTMENT,
Pension Office, January 10, 1835.

SIR: In obedience to a resolution of the House of Representatives of the 9th instant, requiring the Secretary of War to communicate to the House "a copy of any order given by him to the Commissioner of Pensions, directing the suspension of the allowance of pensions under the act of the 7th of June, 1832," I have the honor to enclose, herewith, copies of two orders, one of which is dated on the 26th ultimo, and the other on the 3d instant.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. L. EDWARDS,
Com'r of Pensions.

Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, *December 26, 1834.*

SIR: During the last term of the circuit court of the United States for the district of Kentucky, an opinion was intimated by the court that an indictment for perjury, founded upon the falsehood of a deposition taken before any functionary deriving his authority from the State Governments, could not be maintained in the courts of the United States. This decision, which it is not my purpose to question, has a most important bearing upon the duties with which you are entrusted, and it becomes indispensable to provide against its consequences. The principal security against fraud and imposition, in the adjustment of pension claims, is the punishment of perjury and forgery; and consequently no evidence should be received unless taken under such circumstances as would subject the deponent to punishment, if it should be established that he had sworn to a falsehood. During the pendency of the appeal, by which the decision above alluded to has been brought before the Supreme Court, no pension should be allowed where the material proof of the claim consists of evidence taken before the State authorities.

I am, sir, respectfully,

Your obedient servant,

LEW. CASS

J. L. EDWARDS, Esq.,
Commissioner of Pensions.

WAR DEPARTMENT, *January 3, 1835.*

SIR: During the last term of the circuit court of the United States for the district of Kentucky, a case occurred under the act of the 5th July, 1832, "to provide for liquidating and paying certain claims of the State of Virginia," in which the judges were divided in opinion on the ques-

tion whether an indictment for perjury, founded on the falsehood of a deposition in support of a claim under the act referred to, taken before a State officer, could be maintained in the courts of the United States, there being no provision in the act expressly authorizing the use of such depositions. This case has been removed to the Supreme Court of the United States, and the question involved in it will be argued at the approaching term. As a similar question may arise under the act of June 7, 1832, it becomes indispensable to provide against the consequences of a decision confirming the doubts expressed in the case referred to. The principal security against fraud and imposition in the adjustment of pension claims is the punishment of perjury and forgery ; and consequently no evidence should be received unless taken under such circumstances as would subject the deponent to punishment, if it should be established that he had sworn to a falsehood. During the pendency of the appeal before the Supreme Court, no pension should be allowed under the act of June 7, 1832, or in any other case where the material proof of the claim consists of evidence taken before the State authorities, unless Congress shall have authorized the proof to be so taken.

The provisions of this letter will supersede those contained in my communication of the 26th ultimo.

I am, sir, respectfully,
Your obedient servant,

LEW. CASS.

J. L. EDWARDS, Esq.,
Commissioner of Pensions.

